

Ms. Regina Keeney  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW.  
Washington, DC 20554

Cimko RECEIVED  
AUG 9 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: SunCom Mobile & Data, Inc.'s Petition for Reconsideration

Dear Ms. Keeney,

I hold the license(s), listed on the attachment hereto, in the 220-222 MHz band for 5-channel trunked service. After reviewing alternatives, I decided to have my license(s) constructed and operated as part of SunCom's planned multi-regional Network of wide-area systems.

I believe that SunCom's plan to construct and operate hundreds of such licenses in many important markets, utilizing more than one license or 5-channels per market, is essential to achieve sustainable competitiveness in today's expanding public wireless communications market. In short, the current status and clear continuing trend in public wireless service involves wide-area coverage in and around each important market, regional and multi-regional networks for end-user convenience, and substantial system capacity to allow for an increasing array of services (voice and data) and economies of scale needed to be competitive.

I committed to this SunCom plan for the long-term benefits to be achieved by successful service to the public. Under the SunCom agreements with myself and other licensees, after a license is constructed, SunCom may exercise its option to purchase the license for common stock in SunCom. This stock will attain value as the Network is completed and loaded with subscribers. There is no "speculative" "cash out" or any quick or guaranteed return to the licensee. By signing up with SunCom, I made a commitment to serious longer-term development of 220-222 MHz.

As SunCom requested of your office, to complete construction of all or most of the approximately 600 220MHz licenses committed to the SunCom Network, SunCom needs a grant of a multi-year construction schedule, similar to grants issued to many wide-area 800 MHz SMR operators, including Nextel. This is a practical necessity and a matter of regulatory parity or fairness.

As also requested of your office by SunCom, more than one 5-channel license in most all involved markets is required for its Network. Rather than using management agreements after license construction, direct ownership is more economical and practical. A substantial network involving multitudes of licensees cannot be run effectively under the Commission's "management agreement" standards, especially under the more strict recent standards.

Accordingly, I express my full support for granting to SunCom the requested relief: 1) grant of a multi-year construction schedule, and 2) approval of a post-construction direct ownership of multiple licenses in each market.

Apart from my 220 MHz interests, I am involved with the following telecommunication or other businesses:

SFA, INC.

I realize that the Commission and in particular your new Bureau is very busy with important matters. However, the SunCom petitions have been pending since early 1994 and I request you to respond definitively as soon as possible. I am confident that prompt grants of the requested relief will be equitable, will advance the 220 MHz industry, and will be in the public interest. (I do not seek an response to this letter but will be informed by SunCom of your decision on the subject petitions.) Thank you for your consideration in this matter.

Sincerely,

Robert A. Keeney Dated: 3/20/95  
5357 STRATHMORE AVE.  
KENSINGTON, MD 20895

[address above]

No. of Copies rec'd 0  
List A B C D E

# RADIO STATION LICENSE

Licensee Name: FREEMAN, ERNEST R

Radio Service: QT NON-NATIONWIDE 5 CHANNEL TRUNKED

License Issue Date: 930812

Call Sign: WPCX626

File Number: 9105979694

License Expiration Date: 980812

Frequency Advisory No:

Number of Mobiles by Category: Vehicular - \*500\*\* Portable - \*\*\*\*\*Aircraft - \*\*\*\*\*Marine - \*\*\*\*\*Pagets\*\*\*\*\*

930812N 961 1 12

FREEMAN, ERNEST R  
5357 STRATHMORE AVE  
KENSINGTON MD 20895

## Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	220.07750	FB6	1	4K00J3E	80.000P	500.000	794	400	41-20-16	090-22-46
							HAAT	474		
	220.22750	FB6	1	4K00J3E	80.000P	500.000				
	220.37750	FB6	1	4K00J3E	80.000P	500.000				
	220.52750	FB6	1	4K00J3E	80.000P	500.000				
	220.67750	FB6	1	4K00J3E	80.000P	500.000				
	221.07750	MO	500	4K00J3E	50.000P					
	221.22750	MO	500	4K00J3E	50.000P					
	221.37750	MO	500	4K00J3E	50.000P					
	221.52750	MO	500	4K00J3E	50.000P					
	221.67750	MO	500	4K00J3E	50.000P					
TRANSMITTER STREET ADDRESS							CITY	COUNTY		STATE
1: ROUTE 150 1 MI S							ORION	ROCK ISLAND		IL
AREA OF OPERATION										
SITE 1: 28 MIRA 41-20-16N 090-22-46W ORION ROCK ISLAND IL										
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 4 13 21										
CONTROL POINTS: 5357 STRATHMORE AVE KENSINGTON MD										
CONTROL POINT PHONE: 301-949-1474										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



FEDERAL  
COMMUNICATIONS  
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

# RADIO STATION LICENSE

Licensee Name: FREEMAN, ERNEST R

Radio Service: QT NON-NATIONWIDE 5 CHANNEL TRUNKED

License Issue Date: 930812

Call Sign: WPCX625

File Number: 9105979666

License Expiration Date: 980812

Frequency Advisory No:

Number of Mobiles by Category: Vehicular - \*500\*\* Portable - \*\*\*\*\*Aircraft - \*\*\*\*\*Marine - \*\*\*\*\*Pagers\*\*\*\*\*

930812N 960 1 1Z

FREEMAN, ERNEST R  
5357 STRATHMORE AVE  
KENSINGTON MD 20895

## Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	220.03750	FB6	1	4K00J3E	80.000P	500.000	275	170	32-22-19	086-17-18
							HAAT	255		
	220.18750	FB6	1	4K00J3E	80.000P	500.000				
	220.33750	FB6	1	4K00J3E	80.000P	500.000				
	220.48750	FB6	1	4K00J3E	80.000P	500.000				
	220.63750	FB6	1	4K00J3E	80.000P	500.000				
	221.03750	MO	500	4K00J3E	50.000P					
	221.18750	MO	500	4K00J3E	50.000P					
	221.33750	MO	500	4K00J3E	50.000P					
	221.48750	MO	500	4K00J3E	50.000P					
	221.63750	MO	500	4K00J3E	50.000P					
TRANSMITTER STREET ADDRESS					CITY			COUNTY		STATE
1:	1520 HIGHLAND AVENUE				MONTGOMERY			MONTGOMERY		AL
AREA OF OPERATION										
SITE 1: 28 MIRA 32-22-19N 086-17-18W MONTGOMERY MONTGOMERY AL										
CONTROL POINTS: 5357 STRATHMORE AVE KENSINGTON MD										
CONTROL POINT PHONE: 301-949-1474										
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# RADIO STATION LICENSE

Licensee Name: FREEMAN, ERNEST R

Radio Service: QT NON-NATIONWIDE 5 CHANNEL TRUNKED

License Issue Date: 930811

Call Sign: WPCV803

File Number: 9105979699

License Expiration Date: 980811

Frequency Advisory No:

Number of Mobiles by Category: Vehicular - \*500\*\* Portable - \*\*\*\*\* Aircraft - \*\*\*\*\* Marine - \*\*\*\*\* Pagers \*\*\*\*\*

930811N 746 1 1Z

FREEMAN, ERNEST R  
5357 STRATHMORE AVE  
KENSINGTON MD 20895

## Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	220.06750	FB6	1	4K00J3E	80.000P	250.000	820	500	30-02-42	097-52-50
							HAAT	555		
	220.21750	FB6	1	4K00J3E	80.000P	250.000				
	220.36750	FB6	1	4K00J3E	80.000P	250.000				
	220.51750	FB6	1	4K00J3E	80.000P	250.000				
	220.66750	FB6	1	4K00J3E	80.000P	250.000				
	221.06750	MO	500	4K00J3E	50.000P					
	221.21750	MO	500	4K00J3E	50.000P					
	221.36750	MO	500	4K00J3E	50.000P					
	221.51750	MO	500	4K00J3E	50.000P					
	221.66750	MO	500	4K00J3E	50.000P					
TRANSMITTER STREET ADDRESS				CITY			COUNTY		STATE	
1: FM ROAD 3 MI S				BUDA			HAYS		TX	
AREA OF OPERATION										
SITE 1: 28 MIRA 30-02-42N 097-52-50W BUDA HAYS TX										
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: B E H I										
CONTROL POINTS: 5357 STRATHMORE AVE KENSINGTON MD										
CONTROL POINT PHONE: 301-949-1474										
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RECEIVED

PR 89-552  
GN 93-252

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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I believe that SunCom's plan to construct and operate hundreds of such licenses in many important markets, utilizing more than one license or 5-channels per market, is essential to achieve sustainable competitiveness in today's expanding public wireless communications market. In short, the current status and clear continuing trend in public wireless service involves wide-area coverage in and around each important market, regional and multi-regional networks for end-user convenience, and substantial system capacity to allow for an increasing array of services (voice and data) and economies of scale needed to be competitive.

I committed to this SunCom plan for the long-term benefits to be achieved by successful service to the public. Under the SunCom agreements with myself and other licensees, after a license is constructed, SunCom may exercise its option to purchase the license for common stock in SunCom. This stock will attain value as the Network is completed and loaded with subscribers. There is no "speculative" "cash out" or any quick or guaranteed return to the licensee. By signing up with SunCom, I made a commitment to serious longer-term development of 220-222 MHz.

As SunCom requested of your office, to complete construction of all or most of the approximately 600 220MHz licenses committed to the SunCom Network, SunCom needs a grant of a multi-year construction schedule, similar to grants issued to many wide-area 800 MHz SMR operators, including Nextel. This is a practical necessity and a matter of regulatory parity or fairness.

As also requested of your office by SunCom, more than one 5-channel license in most all involved markets is required for its Network. Rather than using management agreements after license construction, direct ownership is more economical and practical. A substantial network involving multitudes of licensees cannot be run effectively under the Commission's "management agreement" standards, especially under the more strict recent standards.

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Apart from my 220 MHz interests, I am involved with the following telecommunication or other businesses:

President - Pro Cellular Corp      Pres. Pro Comm. Corp

I realize that the Commission and in particular your new Bureau is very busy with important matters. However, the SunCom petitions have been pending since early 1994 and I request you to respond definitively as soon as possible. I am confident that prompt grants of the requested relief will be equitable, will advance the 220 MHz industry, and will be in the public interest. (I do not seek an response to this letter but will be informed by SunCom of your decision on the subject petitions.) Thank you for your consideration in this matter

Sincerely,

*Regina Keeney*

Dated:

3/8/95

25 E 86

*myr*

[address above]

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List A B C D E

0

# RADIO STATION LICENSE

Licensee Name: PRICE, ROBERT

Radio Service: QT NON-NATIONWIDE 5 CHANNEL TRUNKED

License Issue Date: 930412

Call Sign: WPCA936

File Number: 9105943206

License Expiration Date: 980412

Frequency Advisory No:

Number of Mobiles by Category: Vehicular - \*\*70\*\* Portable -\*\*\*\*\*Aircraft -\*\*\*\*\*Marine -\*\*\*\*\*Pagers\*\*\*\*\*

930412N 530 1 12

PRICE, ROBERT  
25 E 86TH ST  
NEW YORK

NY 10028

## Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Plane	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	220.07750	FB6	1	3K60J3E	15.000P	20.000	2150	40	34-27-58	119-40-37
				3K60J1D			HAAT	907		
	220.22750	FB6	1	3K60J3E	15.000P	20.000				
				3K60J1D						
	220.37750	FB6	1	3K60J3E	15.000P	20.000				
				3K60J1D						
	220.52750	FB6	1	3K60J3E	15.000P	20.000				
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				3K60J1D						
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				3K60J1D						
	221.22750	MO	70	3K60J3E	10.000P	10.000				
				3K60J1D						
	221.37750	MO	70	3K60J3E	10.000P	10.000				
				3K60J1D						
	221.52750	MO	70	3K60J3E	10.000P	10.000				
				3K60J1D						
	221.67750	MO	70	3K60J3E	10.000P	10.000				
				3K60J1D						

TRANSMITTER STREET ADDRESS

CITY

COUNTY

STATE

1: 3035 GIBRALTAR ROAD

SANTA BARBARA

SANTA BARBARA

CA

### AREA OF OPERATION

SITE 1: 30 MIRA 34-27-58N 119-40-37W SANTA BARBARA SANTA BARBARA CA

CONTROL POINTS: 25 EAST 86TH STREET NEW YORK NY

CONTROL POINT PHONE: 212-427-4242

EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)

SET OUT IN PART 2 OF THE COMMISSION'S RULES.

PAGE 1 OF 1

FEDERAL  
COMMUNICATIONS  
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Federal Communications Commission  
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Apart from my 220 MHz interests, I am involved with the following telecommunication or other businesses:

I realize that the Commission and in particular your new Bureau is very busy with important matters. However, the SunCom petitions have been pending since early 1994 and I request you to respond definitively as soon as possible. I am confident that prompt grants of the requested relief will be equitable, will advance the 220 MHz industry, and will be in the public interest. (I do not seek an response to this letter but will be informed by SunCom of your decision on the subject petitions.) Thank you for your consideration in this matter.

Sincerely,

*Robert Zipp*

Dated: *3-17-95*

[address above]

PR 89-532  
GN 93-252  
RECEIVED  
AUG 9 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

DA 95-251

2497

In the Matter of )

)  
Amendment of Part 90 of the  
Commission's Rules to Provide  
for the Use of the 220-222 MHz  
Band by the Private Land Mobile  
Radio Services )

PR Docket No. 89-552

ORDER

Adopted: February 16, 1995

Released: February 17, 1995

By the Chief, Wireless Telecommunications Bureau:

1. On August 19, 1994, the Private Radio Bureau released a Public Notice (DA 94-902)<sup>1</sup> extending the deadline for construction of non-nationwide 220 MHz stations from December 2, 1994 to April 4, 1995.<sup>2</sup> The Commission, in the Third Report and Order, GN Docket No. 93-252, Implementation of Sections 3(n) and 332 of the Communications Act, released September 23, 1994, 9 FCC Rcd 7988 (1994), again identified April 4, 1995 as the construction deadline for non-nationwide 220 MHz stations. In that decision, the Commission noted that the extension "gives these licensees approximately 12 months from the date of . . . [the March 30, 1994 Order] . . . to complete construction and commence operations . . . ."

<sup>1</sup> The responsibility for licensing the 220 MHz radio service now resides in the Wireless Telecommunications Bureau.

<sup>2</sup> The December 2, 1994 deadline was announced in a Private Radio Bureau Order released on March 30, 1994 (see 9 FCC Rcd 1739 (1994)). In that Order, the Bureau, citing the court appeal challenging the Commission's 220 MHz licensing procedures (see Evans v. Federal Communications Commission, Order, per curiam, Case No. 92-1317 (D.C. Cir. March 18, 1994)) decided that, upon termination of the appeal, all non-nationwide 220 MHz licensees would be afforded the full 8 months provided under our rules (see 47 C.F.R. § 90.725(f)) to construct and operate their stations. The December 2, 1994 deadline reflected the approximate 8-month period following the March 30, 1994 release of the Order.

<sup>3</sup> See 9 FCC Rcd 8077 (1994).

2498

2. Recently, the Wireless Telecommunications Bureau received requests from three 220 MHz radio equipment manufacturers to extend the current construction deadline beyond April 4, 1995. The first of these was submitted by SEA, Inc. (SEA) in a letter sent to Regina M. Keeney, Chief, Wireless Telecommunications Bureau, on January 17, 1995. SEA asks that the deadline be extended to December 31, 1995 for those licensees who have, by placing equipment orders with manufacturers, demonstrated their intent to construct their 220 MHz stations. SEA argues that this extension is needed because the manufacturing capacity of the companies producing 220 MHz equipment "is not sufficient to fill existing orders by the April 4 deadline" and that those licensees who have placed orders "should not be required to forfeit their licenses" due to manufacturers' inability to deliver equipment by that date. As further support for its request, SEA contends that the Evans v. FCC<sup>4</sup> court appeal caused licensees to delay placing orders, and that, upon dismissal of the appeal, manufacturers were required suddenly to deliver equipment by a "single, across-the-board" deadline applicable to all licensees. SEA observes that, had the court case not occurred, manufacturers would have had to satisfy the less difficult requirement of filling orders to meet the progressive 8-month construction deadlines of the approximately 3,600 individual stations that were authorized over an extended period.

3. E.F. Johnson Company (EFJ), another 220 MHz equipment manufacturer, in a letter sent to Regina M. Keeney on January 25, 1995, supports SEA's request for an extension until December 31, 1995 for those 220 MHz licensees who have timely placed an equipment order with a manufacturer offering type-accepted equipment. EFJ argues that the current "compressed manufacturing and delivery schedule can simply not be met, even with the considerable resources [the company] will commit to the process" and contends that if an extension is not granted, the Commission will "irreparably harm the nascent 220 MHz industry and seriously set back efforts to employ spectrum efficient narrowband technology on a widespread basis."

4. Finally, the third manufacturer, Linear Modulation Technology Limited (LMT), a wholly-owned subsidiary of the Securicor Group plc, in a letter sent to Regina M. Keeney on February 1, 1995, also expresses support for the granting of an extension to December 31, 1995. LMT claims that, while it will be able to construct a significant number of 220 MHz systems by the April 4, 1995 deadline, it will not be able to deliver and construct by that date many of the orders for the "approximately one thousand full systems that licensees or managers of 220 MHz systems have attempted to place with LMT." LMT contends that, if those licensees who have tried to construct their systems by the deadline lose their licenses due to the unavailability of equipment, the prospects for the successful deployment of the 220 MHz service "will significantly diminish" and the U.S. 220 MHz industry will be placed "in serious jeopardy."<sup>5</sup>

<sup>4</sup> See footnote 2, *supra*.

<sup>5</sup> In addition to the letters received from these equipment manufacturers, certain other interested parties, including 220 MHz licensees, have submitted requests to the Wireless Telecommunications Bureau asking for construction deadline extensions of up to three years.



5. The manufacturers of 220 MHz equipment have indicated that, despite their best efforts, equipment ordered by many non-nationwide 220 MHz licensees will not be delivered in time to enable such licensees to construct their stations by April 4, 1995. The Bureau believes that these licensees should be afforded some measure of relief from the current construction deadline. The Bureau is also concerned that a number of licensees, aware of manufacturers' production difficulties, have delayed the placement of orders or have chosen not to place orders at all under the assumption that the orders could not be filled by April 4, 1995. Therefore, to provide relief to all licensees -- those that have placed orders as well as those that must still do so -- the Bureau extends to December 31, 1995 the deadline for non-nationwide 220 MHz licensees to construct their stations and place them in operation.

6. Accordingly, for good cause shown, IT IS ORDERED THAT the requests by SEA Inc., E.F. Johnson Company, Linear Modulation Technology Limited and other parties for extension of the deadline for construction of non-nationwide 220 MHz stations are GRANTED to the extent indicated herein and otherwise desired.

FEDERAL COMMUNICATIONS COMMISSION

*Regina M. Keeney*  
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Chief, Wireless Telecommunications Bureau

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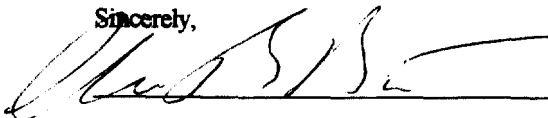
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Commercial real estate.

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Sincerely,



Dated: 3/7/95

CHARLES B. BARTELL  
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